



November 23, 1999

Ms. Katherine Minter Cary
Assistant Attorney General
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR99-3375

Dear Ms. Cary:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130543.

The Office of the Attorney General received a request for the requestor's application for crime victim's compensation and a copy of the offense report regarding the incident on which his claim was based. You advise that you have released all responsive information except for portions of the offense report. You contend that these portions of the offense report are protected under sections 552.101 and 552.130 of the Government Code.

Section 552.130 provides in relevant part:

(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

The records at issue contain license plate numbers. We have marked the license plate numbers which must be withheld under section 552.130.

Section 552.101 requires withholding, *inter alia*, information made confidential by statute.

We understand you to argue that chapter 730 of the Transportation Code protects information police obtained from the license plate numbers, i.e., identifying information on the individual to whom the vehicle bearing the license plates was registered. Chapter 730 generally prohibits "an agency" from disclosing "personal information about any person obtained by the agency in connection with a motor vehicle record" without the consent of the subject individual. Trans. Code § 730.004. In our opinion, the chapter 730 prohibition does not apply to release of information by the OAG because the latter is not an "agency" within the meaning of the chapter. *See Id.* § 730.003(1) ("agency" in chapter 730 means "any agency of this state . . . that compiles or maintains motor vehicle records"); § 730.003(4) ("motor vehicle record" in chapter 730 means "a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document"). Except for the license plate numbers which we have marked as subject to section 552.130 of the Government Code, you must release the information at issue.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 130543

Encl. Submitted documents

cc: Mr. Perry S. Jones
7275 Patricia Lane
Houston, Texas 77012
(w/o enclosures)